

FILED

JUN 25 2018

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

Attachment A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIADion Hines #FCI HazeltonP.O. Box 5000Bruceton Mills, WV 26525(Full name under which you were convicted,
prison number, place of confinement, and
full mailing address)

Petitioner,

vs.

WARDEN ENTZEL(Name of Warden or other authorized person
where you are incarcerated)

Respondent.

Petition for Habeas Corpus
Pursuant to 28 U.S.C. § 2241Civil Action No. 3:18cv99
(to be assigned by Clerk)Groh
Trumble
Sims

Important notes to read before completing this form:

- ★ Please read the entire petition **before** filling it out. Answer **only** those questions which pertain to your claim(s).

1. This petition concerns (check the appropriate box):

- ☒ a conviction
☒ a sentence
☐ jail or prison conditions
☐ prison disciplinary proceedings
☐ a parole problem
☐ other, state briefly: _____

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2. Are you represented by counsel? ☐ Yes ☒ No

If you answered yes, list your counsel's name and address: _____

3. List the name and location of the court which imposed your sentence:
US District Court, District of New Jersey

4. List the case number, if known: 2:16-CR-00443-KSH-1

5. List the nature of the offense for which the sentence was imposed:
18 U.S.C. §2119-Carjacking, Count 1 thru 3
18 U.S.C. §924(c)-Firearm-Furtherance of Crime of Violence, Count 4

6. List the date each sentence was imposed and the terms of the sentence:
Jan. 25, 2017-Court imposed 97 months on Count 1 and 84 months
consecutive on Count 4.

7. What was your plea to each count? (Check one)

- ☒ Guilty
☐ Not Guilty
☐ Nolo Contendere

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8. If you were found guilty after a plea of not guilty, how was that finding made?

- ☐ A jury
- ☐ A Judge without a jury
- ☐ A Magistrate Judge without a jury

9. Did you appeal from the judgment of conviction or imposition of the sentence?

☐ Yes ☒ No

10. If you did appeal, give the following information for each appeal:

- A. Name of Court: N/A
- B. Result: _____
- C. Date of Result: _____
- D. Grounds raised (List each one): _____

Note: if you filed an appeal in more than one court, attach an additional sheet of paper of the same size and give all of the information requested in Question 10, A through D.

11. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal? This is called a post-conviction pleading.

☐ Yes ☒ No

If your answer was yes, complete the following sections:

A. First post-conviction proceeding:

1. Name of Court: N/A

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2. Nature of Proceeding: N/A
3. Grounds Raised: _____
4. Did you receive an evidentiary hearing ? ☐ Yes ☐ No
5. Result: _____
6. Date of Result: _____

B. Second post-conviction proceeding:

1. Name of Court: N/A
2. Nature of Proceeding: _____
3. Grounds Raised: _____
4. Did you receive an evidentiary hearing ? ☐ Yes ☐ No
5. Result: _____
6. Date of Result: _____

C. Did you appeal to the result of the post conviction proceeding(s) to the highest court having jurisdiction?

1. First proceeding: ☐ Yes ☒ No Result: _____
2. Second proceeding: ☐ Yes ☒ No Result: _____

D. If you did not appeal the adverse result of the post-conviction proceeding(s), explain briefly why not: N/A

12. For your information, the following is a list of the most frequently raised grounds for relief in applications for habeas corpus pursuant to 28 U.S.C. §2241. You may raise any grounds which you may have other than those listed. However, in this application, you should raise all available grounds on which you base your petition. **Do not check** any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. **The petition will be returned to you if you merely check one or more of the grounds:**

- A. U.S. Parole Commission unlawfully revoked my parole.
- B. Federal Bureau of Prisons unlawfully computed my sentence.

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- C. Federal Bureau of Prisons unlawfully denied me credit for time served in state or federal prison.
- D. Federal Bureau of Prisons or State prison system unlawfully revoked my good time credits.
- E. There is an unlawful detainer lodged against me.
- F. I am a citizen and resident of a foreign country and I am in custody for an act which I had a right to commit under the laws of my country.
- G. The act for which I was convicted is no longer considered to be a crime, and I cannot raise this issue in a §2254 petition or a §2255 motion.

CAUTION: if you fail to set forth all of the grounds in this petition at this time, you may be barred from presenting additional grounds at a later date.

State clearly every ground on which you are seeking relief. Summarize briefly the facts supporting each ground. If necessary, attach a total of five (5) typed or ten (10) neatly printed pages maximum for all grounds and all attachments.

A. Ground one:

I am actually, factually, and legally innocent of my offense of
conviction to 924(c).

Supporting facts: tell your story briefly without citing cases or law. You are cautioned that you must state facts, not conclusion, in support of your grounds. A "rule of thumb" to follow is this: who did exactly what to violate your rights at what time and place).

I pled guilty to carjacking and 924(c), under the current case law
doctrine. I am actually, factually, and legally innocent of the
offense. I am unable to file a petition under §2255 and have filed
this petition.

- B. Ground two: Based on the current legal landscape, my plea is unconstitutional.

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Supporting facts:

Based on my first claim, I am arguing my plea is unconstitutional because it was the 924(c) count that controlled my decision to plead guilty because it carried mandatory consecutive prison time up to life.

C. Ground three:

N/A

Supporting facts:

N/A

D. Ground four:

N/A

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Supporting facts:

N/A

13. Were all of the above grounds presented to another court, state or federal? If not, state which grounds were not presented. If yes, state the name of the court, date of decision, and the nature of the outcome:

These grounds were not ripe to present in any previous petition.

14. If this petition concerns prison disciplinary proceedings, a parole problem, computation of sentence, or other case under 28 U.S.C. § 2241, answer the following questions:

- A. Did you present the facts in relation to your present petition in the prison's internal grievance procedure?

☐ Yes ☒ No

1. If your answer to "A" above was yes, what was the result:

N/A

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2. If your answer to "A" above was no, explain:

B. If you are a federal prisoner, did you present your claim to the Bureau of Prisons or other federal agency for administrative action?

☐ Yes ☒ No

1. If your answer to "B" above was yes, what was the result:

N/A

2. If your answer to "B" above was no, explain:

N/A

15. Relief: State here, as briefly as possible, exactly what you want the court to do for you:

1. Make **no** legal arguments.
2. Cite **no** cases or statutes.

I am requesting that my convictions be vacated.

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16. If a previous motion to vacate or modify a prisoner's sentence, pursuant to Section 2255, was not filed, or if such a motion was filed and denied, the reasons why Petitioner's remedy by way of Section 2255 is inadequate or ineffective to test the legality of the detention.

These claims were not available to me to present in a §2255 motion.

Signed this 19th day of JUNE, 2018.
(day) (month) (year)

X D. King
Your Signature

Signature of Attorney (if any)

I declare (or certify, verify, or state), under penalty of perjury, that the foregoing is true and correct.

Date of Signature: JUNE 19th 2018 X D. King
Your Signature

Attachment D

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

Dion Hines #

Your full name

v.

Civil Action No.: _____

WARDEN ENTZEL

FCI Hazelton

Enter above the full name of respondent in this action

Certificate of Service

I, Dion Hines (your name here), appearing *pro se*, hereby certify that

I have served the foregoing §2241 Petition (title of document
being sent) upon the respondent by depositing true copies of the same in the United States
mail, postage prepaid, upon the following counsel of record for the respondent on

JUNE 19th 2018 (insert date here):

(List name and address of counsel for respondent)

+ D. Hines
(sign your name)